FERM PTO-1390 (Modified) (REV. 07-2004)

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

**262434US2PCT** 

U.S. APPLICATION NO (If known, see 37 CFR 1.5)

NTERNATIONAL APP	PLICATION NO	)
PCT/EP0	3/06130	

INTERNATIONAL FILING DATE 11 June 2003

PRIORITY DATE CLAIMED 13 June 2002 (earliest)

TITLE OF INVENTION

## METHOD AND INSTRUMENT FOR SURGICAL NAVIGATION

APPLICANT(S) FOR DO/EO/US SCHMIDT Martin et al.

					<del></del>
Applicant herewith submits to t	he United State	s Designated/Elected	Office (DO/EO/US)	the following items and	other information

- This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
- This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.
- This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
- The US has been elected (Article 31).
- A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - is attached hereto (required only if not communicated by the International Bureau).
  - has been communicated by the International Bureau.  $\boxtimes$
  - is not required, as the application was filed in the United States Receiving Office (RO/US).
- An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).  $\boxtimes$ 
  - is attached hereto.  $\boxtimes$
  - has been previously submitted under 35 U.S.C. 154(d)(4).
- Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) 7.  $\boxtimes$ 
  - are attached hereto (required only if not communicated by the International Bureau).
    - have been communicated by the International Bureau.
    - have not been made; however, the time limit for making such amendments has NOT expired.
  - have not been made and will not be made.
- An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- An English language translation of the annexes to the International Preliminary Examination Report under PCT 10. Article 36 (35 U.S.C. 371 (c)(5)).
- A copy of the International Preliminary Examination Report (PCT/IPEA/409). 11.
- A copy of the International Search Report (PCT/ISA/210).  $\boxtimes$ 12.

## Items 13 to 23 below concern document(s) or information included:

- An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 13.
- An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 14.
- A FIRST preliminary amendment.  $\boxtimes$ 15.
- A SECOND or SUBSEQUENT preliminary amendment. 16.
- A substitute specification. 17.
- A power of attorney and/or change of address letter. 18.
- A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 19.
- A second copy of the published International Application under 35 U.S.C. 154(d)(4). 20.
- A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 21.
- 22. Express Mail Label No.
- 23. Other items or information:

**Application Data Sheet/Notice of Priority** Cited References (1)/PTO-1449

BASIC NATIONAL FEE (37 CFR 1.492(a)(11-(5)):    Neither international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the BPO or JPO	v:S. APPLICATION	NO (if kingwin see 37 CFR)1.5	INTERNATIONAL APPLICATION PCT/EP03/0613		ATTORNEY'S DOCKET NUMBER 262434US2PCT		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (77 CFR 1.485(0)) paid to USPTO   STORE   STOR	24. The fo	llowing fees are submitted:.			CALCULATION	S PTO USE ONLY	
intermational search fee (37 CFR 1.445(a)(2)) paid to LISPYTO and International Search Report not prepared by the EPO of PPO		•	<b>)</b> :				
USPTO but International Search Report prepared by the EPO or JPO   3959.00	internationa	al search fee (37 CFR 1.445(a)(2))	paid to USPTO	\$1110.00			
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO   \$759.00   the tentional preliminary examination for (37 CFR 1.452) paid to USPTO   \$750.00   and all claims did not satisfy provisions of PCT Article 33(1)-(4)   \$750.00   and all claims satisfied provisions of PCT Article 33(1)-(4)   \$750.00   and all claims satisfied provisions of PCT Article 33(1)-(4)   \$750.00   ENTER APPROPRIATE BASIC FEE AMOUNT   \$100.00    Surcharge of \$130.00 for furnishing the oath or declaration later than   20	☑ International USPTO but	al preliminary examination fee (37 table) International Search Report prepare	CFR 1.482) not paid to ared by the EPO or JPO	<b>\$950.00</b>			
but all claims did not satisfy provisions of PCT Article 33(1)-(4)	<ul><li>International but internat</li></ul>	al preliminary examination fee (37 ional search fee (37 CFR 1.445(a)	CFR 1.482) not paid to USPTO (2)) paid to USPTO	\$79 <b>0.00</b>			
and all claims satisfied provisions of PCT Article 33(1)-(4)	<ul><li>International but all claim</li></ul>	al preliminary examination fee (37 ns did not satisfy provisions of PC	CFR 1.482) paid to USPTO T Article 33(1)-(4)	\$750.00		•	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CPR 1.492(e))  Total claims  Total claims  Total claims  TOTAL OF ABOVE CALCULATIONS = \$1,880.00  Applicant claims small entity status. See 37 CPR 1.27. The fees indicated above are reduced by 1/2.  SUBTOTAL = \$1,880.00  TOTAL OF ABOVE CALCULATIONS = \$1,880.00  Applicant claims small entity status. See 37 CPR 1.27. The fees indicated above are reduced by 1/2.  SUBTOTAL = \$1,880.00  Processing fee of \$130.00 for furnishing the English translation later than central from the earliest claimed priority date (37 CPR 1.492(f)).  TOTAL NATIONAL FEE = \$1,880.00  TOTAL NATIONAL FEE = \$1,880.00  Fee for recording the enclosed assignment (37 CPR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CPR 1.28, 3.31) (cheek if applicable).  TOTAL FEES ENCLOSED = \$1,880.00  Amount to be:  SUBTOTAL F	<ul><li>International and all claim</li></ul>	al preliminary examination fee (37 ms satisfied provisions of PCT Art	CFR 1.482) paid to USPTO cicle 33(1)-(4)	\$100.00			
TOTAL FEES ENCLOSED   S1,880.00	TO BE A LONG TO	ENTER APPROPRI	ATE BASIC FEE AMO	OUNT =	\$1,000.00		
Total claims 35 - 20 = 15 x \$50.00 \$750.00   Independent claims   1 - 3 = 0 x \$200.00 \$0.00   Multiple Dependent Claims (check if applicable).				0 🖾 30	\$130.00		
Multiple Dependent Claims   1 - 3 =   0	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Multiple Dependent Claims (check if applicable).  TOTAL OF ABOVE CALCULATIONS = \$1,880.00  Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  SUBTOTAL = \$1,880.00  Processing fee of \$130.00 for furnishing the English translation later than	Total claims	35 - 20 =	15	x \$50.00	\$750.00		
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Amount to be: s refunded s  a. A check in the amount of to cover the above fees is enclosed. b. Please charge my Deposit Account No. in the amount of to cover the above fees. c. The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0030  d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  SEND ALL CORRESPONDENCE TO:  CUSTOMER NUMBER 22850  SURINGER Sachar Registration No. 34,423  Marvin J. Spivak  NAME  24,913  REGISTRATION NUMBER  Dec. 9 2004	Fee for recording the accompanied by an	he enclosed assignment (37 CFR 1 appropriate cover sheet (37 CFR	1.21(h)). The assignment must be 3.28, 3.31) (check if applicable)	oe <b>e).</b>	\$0.00	•	
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b. Please charge my Deposit Account No. in the amount of to cover the above fees.  c. The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0030  d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  SEND ALL CORRESPONDENCE TO:  CUSTOMER NUMBER 22850  Surinder Sachar Registration No. 34,423  Marvin J. Spivak  NAME  24,913  REGISTRATION NUMBER  Dec. 9, 2004					_	\$	
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d. Eees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  SEND ALL CORRESPONDENCE TO:  CUSTOMER NUMBER 22850  SIGNATURE  SIGNATURE  Marvin J. Spivak  NAME  24,913  REGISTRATION NUMBER  Dec. 9 2004		•		n may be required,	or credit any overpa	yment	
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REGISTRATION NUMBER  Dec. 9 2004				NAME			
Dec. 9 2004				24,913			
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				No	c. 9 2004		
DATE			•	DATE			

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DT05 Rec'd PCT/PTO 0.9 DEC 2004

Docket No.

262434US2PCT

IN RE APPLICATION OF: Martin SCHMIDT et al.

\* SERIAL NO: New U.S. PCT Application Based on PCT/EP03/06130

FILED:

**HEREWITH** 

FOR:

METHOD AND INSTRUMENT FOR SURGICAL NAVIGATION

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

## SIR:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- Additional documents filed herewith:

PCT Transmittal Letter/English Translation of Specification/Application Data Sheet Notice of Priority/International Search Report/Information Disclosure Statement PTO-1449/Cited References (1)/Credit Card Payment Form for \$1,880.00

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS		RATE		CALCULATIONS
TOTAL	35	MINUS	35	0	x	\$50	=	\$0.00
INDEPENDENT	1	MINUS	1	0	x	\$200	=	\$0.00
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e de la companya de l		TOTAL OF ABOVE CALCULATIONS						\$0.00
		☐ Reduction	☐ Reduction by 50% for filing by Small Entity					
		☐ Recordation of Assignment				\$40	=	\$0.00
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- ☐ Credit card payment form is attached to cover the fees in the amount of \$0.00
- Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Marvin J. Spivak

Registration No. 24,913

Customer Number

22850

Tel. (703) 413-3000 Fax. (703) 413-2220 (OSMMN 05/03)

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